

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

MAUREEN MCPADDEN,  
PLAINTIFF

VS.

WAL-MART STORES EAST, L.P.  
AND JENNIFER FONSECA,  
DEFENDANTS.

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:  
: CIVIL ACTION NO.:  
: 1:14cv-00475-SM  
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:  
:

RULE 30(b)(6) Deposition of  
**HEATHER HARRIS McCAFFREY**, a Witness herein, taken on  
behalf of the Plaintiff, on Thursday, August 27,  
2015, 10:00 a.m., at the law office of Littler  
Mendelson, P.C., One Financial Plaza, Suite 2205,  
Providence, Rhode Island, before Cindy M. Tangney,  
Registered Merit Reporter.

Vivian S. Dafoulas & Associates  
50 Fieldstone Drive  
East Greenwich, RI 02818-2064  
(401) 885-0992

1 MR. KACZMAREK: Objection.

2 Q. That's not what it's called. Hold on.  
3 Let me call it the right word. Professional  
4 accountability matrix.

5 A. I have that, but I didn't review it. I  
6 have that.

7 Q. Did you -- let me strike that.

8 When you say you have it, I mean, you have all  
9 of these policies, right?

10 A. Right. Wal-Mart has many policies. I'm  
11 not familiar with all of them. I'm very familiar  
12 with the accountability matrix. I didn't need to  
13 review it.

14 Q. Do you know who created that document?

15 A. I believe it's professional affairs at  
16 home office. I'm not sure who specifically.

17 Q. Have you reviewed any of the pleadings  
18 that have been filed in this case, motions,  
19 affidavits, anything like that?

20 A. I had my own affidavit.

21 Q. Okay.

22 A. I don't believe I had -- I don't recall if  
23 I have other ones.

24 Q. Okay. How about there was a communication  
25 to the Human Rights Commission referred to as a

1           A.    Like I said, I can't remember the exact  
2   date that we expanded. I think it was in February  
3   of 2013.

4           Q.    Okay.

5           A.    But I can't remember.

6           Q.    All right. And when you expanded, you  
7   expanded to include all of New England, correct?

8           A.    Yes.

9           Q.    And prior to that you had -- the region  
10   was all of Massachusetts and some of New Hampshire?

11          A.    Part of Southern New Hampshire.

12          Q.    Southern New Hampshire. How many  
13   pharmacies; do you remember?

14          A.    I think I had 56 maybe, around that.

15          Q.    So it went from 56 to 112?

16          A.    Yes.

17          Q.    I hope it included a raise.

18          A.    No.

19          Q.    Okay. It's my understanding, and correct  
20   me if I'm wrong, that the objective is in terms of  
21   accountability to be consistent within at least the  
22   region; is that correct?

23               MR. KACZMAREK: Objection.

24          A.    Yes.

25          Q.    Now, is it correct to say that you really

1 want accountability to be consistent within the  
2 entire company?

3 MR. KACZMAREK: Objection.

4 A. I can only control my area of  
5 responsibility.

6 Q. I'm asking though, what does Wal-Mart  
7 train you to do in terms of being a regional  
8 manager; do they say we want you to distribute  
9 accountability in a consistent manner throughout  
10 your region; is that what they train you to do?

11 MR. KACZMAREK: Objection.

12 MR. FRADETTE: You can answer.

13 A. Yes. They want us to be consistent with  
14 our accountability.

15 Q. And that consistency, if they're training  
16 you as a regional manager, they're presumably  
17 training other regional managers the same way; is  
18 that your knowledge?

19 A. I would assume.

20 Q. Okay. When you do trainings, when  
21 Wal-Mart trains you, do you do it as a group of  
22 regional managers?

23 A. It varies.

24 Q. All right. From what to what?

25 A. We could have a computer-based learning,

1 we could have a webinar, we could have a  
2 company-wide meeting. It can vary on the trainings.

3 Q. All right. And if it's a webinar, it  
4 would be other regional managers on the webinar?

5 A. It could encompass regional directors. It  
6 could encompass market directors. It could  
7 encompass a lot of people.

8 Q. Okay. How often do you -- did you rather,  
9 as regional manager, travel to Bentonville; can you  
10 quantify that?

11 A. It could be between four and ten times a  
12 year, depending on what we were doing.

13 Q. Now, I want to get an appreciation for how  
14 well you knew Maureen McPadden. Can you tell me,  
15 first of all, when did you first meet her?

16 A. I can't give you an exact date. I visited  
17 all of my stores. I tried to visit them all within  
18 the first year. So if she was in the store when I  
19 was there, I might have visited her within the first  
20 year of me taking over. I may have visited her  
21 within my second year. I can't give you an exact  
22 date.

23 Q. Okay. So you may have even met her before  
24 she was at Seabrook?

25 A. It's possible.

1 the Americans With Disabilities Act?

2 A. No.

3 Q. They don't give you any training about  
4 that?

5 MR. KACZMAREK: Objection.

6 A. They give us a computer-based learning,  
7 but I don't approve or have any sort of oversight on  
8 ADAs in the stores.

9 Q. If a market director, like Mr. Certo, came  
10 to you because a pharmacist had requested  
11 accommodation, what would you do?

12 A. I would send him to HR.

13 Q. You would send Certo to HR?

14 A. Yes.

15 Q. Do you know whether Maureen made any  
16 request for accommodation to Mr. Certo?

17 A. I'm not aware of any.

18 Q. Okay. Were you aware of a staffing --  
19 technician staffing problem at the Seabrook store in  
20 2011 and 2012?

21 MR. KACZMAREK: Objection.

22 A. I don't remember the exact dates.  
23 Seabrook had an opportunity at one point, and we  
24 actually overstaffed them.

25 Q. I'm sorry?

1 safety, isn't your concern now focused on public  
2 safety, not -- you know, isn't that your concern?

3 MR. KACZMAREK: Objection.

4 A. My concern is safety, but my concern would  
5 also be why can't this person handle the workload  
6 that a pharmacist should be able to handle.

7 Q. Okay. Do you know whether Mr. Certo did  
8 anything, to your knowledge, to address this e-mail?

9 A. Not this e-mail specifically. Like I  
10 said, we overstaffed this store; so I know they had  
11 more help than they needed in this store.

12 Q. Okay.

13 A. Whether it was because of this e-mail, I  
14 don't know.

15 Q. All right. The next one I'm going to show  
16 you is Certo 5 and McPadden 12. If you can read  
17 that one.

18 A. Okay.

19 Q. In this e-mail on the 16th Maureen is  
20 communicating with Mr. Certo in anticipation of a  
21 need for additional support, correct?

22 A. Yes.

23 Q. And she's again expressing a concern for  
24 safely filling prescriptions, correct?

25 A. Yes.



1           A.    I was not aware of any disability for  
2   Maureen.

3           Q.    And she's alleging that her written  
4   expressed concerns for public safety due to  
5   understaffing was a factor in the decision to  
6   terminate her; do you deny that?

7           MR. KACZMAREK:  Objection.

8           A.    That was never brought up, and like I  
9   said, we overstaffed that store.

10          Q.    When you say you overstaffed the store,  
11   what do you rely on to prove that you overstaffed it?

12          MR. KACZMAREK:  Objection.

13          A.    You can look at any payroll records or any  
14   of the pharmacists' wages.  It was overstaffed based  
15   on what was allocated for that store.

16          Q.    Aside from looking at wages, did you do  
17   any more of an investigation as to whether the  
18   staffing was adequate?

19          MR. KACZMAREK:  Objection.

20          A.    Like I said, I personally toured that  
21   store many times and watched what was going on in  
22   the store.  There was productivity issues, there was  
23   efficiency issues, and there was just lack of job  
24   performance issues that needed to be addressed as  
25   well.  We had plenty of bodies and plenty of people;